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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/27/2005

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Bryn/0005

6286

7590

09/12/2008

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EXAMINER

ABYANEH, ALI S

ART UNIT

PAPER NUMBER

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/524,450	<b>Applicant(s)</b> KANESTROM ET AL.	
	<b>Examiner</b> ALI S. ABYANEH	<b>Art Unit</b> 2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02-10-2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>02-10-2005</u> .  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

1. Claims 1-48 are presented for examination.

**Information Disclosure Statement PTO-1449**

2. The Information Disclosure Statement submitted by applicant on 02-10-2005 has been considered. Please see attached PTO-1449.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Unger et al. (US Patent No. 7,336,787 B2) in view of Xu et al. (US Patent No. 6,915,425 B2).

**Regarding claim 1**

Unger teaches a method of encrypting data which is originally unencrypted, the method comprising: selecting one or more portions of the unencrypted data to be encrypted; protecting the data portions using cryptographic information; replacing each selected originally unencrypted data

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portion with its corresponding encrypted version of the data portion (column 6, lines 30-39).

Unger does not explicitly teach associating **a license with the data portions to be encrypted, the license including license ID data and cryptographic information**; protecting the data portions **using cryptographic information of the associated license by directly use the cryptographic information found in the license** to encrypt the data portion selected. However, in an analogous art, Xu teaches associating a license with the data portions to be encrypted (column 3, lines 60-61), the license including license ID data and cryptographic information (column 4, lines 13-25 and column 5, lines 24-28); protecting the data portions using cryptographic information of the associated license by directly use the cryptographic information found in the license to encrypt the data portion selected (column 4, lines 40-50).

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Unger to include associating a license with the data portions to be encrypted, the license including license ID data and cryptographic information; protecting the data portions using cryptographic information of the associated license by directly use the cryptographic information found in the license to encrypt the data portion selected. This would have been obvious because person having ordinary skill in the art at the time the invention was made would have been motivated to protect

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digital information and to manage the digital rights for off-line distribution of interactive web content and music (column 2, lines 15-19).

Note: examiner did not consider the limitation of “or ii) encrypting the data portion selected with a user defined or random encryption key, encrypt this key with the cryptographic information found in the license, and include this encrypted key as a header to the encrypted data” since this limitation is optional based on the language (“or”) used in the claim.

#### **Regarding claim 27**

Unger teaches a method for decrypting data that includes one or more portions of encrypted data, the method comprising: detecting the presence of an encrypted data portion within an original block of data; decrypting the encrypted data portion, and replacing the encrypted data portion with a decrypted version of the data portion (column 6, lines 43-46).

Unger does not explicitly teach **accessing license data from a license data memory; and using the license data obtained from the license data memory to determine if a valid license exists to receive a decrypted version of the encrypted data portion, and if so, then decrypting the encrypted data portion by directly using the cryptographic information of the associated license obtained from the license data memory**. However, in an analogous art, Xu teaches accessing license data from a license data memory; and using the license data obtained from the license data memory to determine if a valid

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license exists to receive a decrypted version of the encrypted data portion, and if so, then decrypting the encrypted data portion by directly using the cryptographic information of the associated license obtained from the license data memory (column 5, lines 3-38).

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Unger to include(b) accessing license data from a license data memory; and using the license data obtained from the license data memory to determine if a valid license exists to receive a decrypted version of the encrypted data portion, and if so, then decrypting the encrypted data portion by directly using the cryptographic information of the associated license obtained from the license data memory. This would have been obvious because person having ordinary skill in the art at the time the invention was made would have been motivated to protect digital information and to manage the digital rights for off-line distribution of interactive web content and music (column 2, lines 15-19).

Note: examiner did not consider the limitation of “or (i-ii) decrypting the cryptographic key in the header of the encrypted data using cryptographic information of the associated license obtained from the license data memory and decrypt the data portion by using the decrypted cryptographic key” since this limitation is optional based on the language (“or”) used in the claim.

**Regarding claims 2-4 and 39-41**

Unger furthermore teaches wherein the data are expressed by a programming language; wherein the replaced data portions conform to the syntax of the programming language; wherein the replaced data portions are included within a comment field of the programming language (column 32, lines 46-55).

**Regarding claim 5 and 42**

Xu furthermore teaches, including tags in the data to identify the license ID being used in the encryption in step (c), wherein the identifying tags of a license are included within the comment field of the programming language (column 4, lines 13-25).

**Regarding claim 6-9 and 32-35**

Unger furthermore teaches, wherein the data are expressed by a syntax-based multimedia data format language; wherein the replaced data portions conform to the syntax of the multimedia data format language; wherein the replaced data portions are included within a comment field of the multimedia data format language; and wherein the replaced data portions are included within a header of the multimedia data format language. (column 19, lines 1-11 and column 32, lines 46-55).

**Regarding claim 10**

Xu furthermore teaches, including tags in the data to identify the license ID being used in the encryption in step (c), wherein the identifying tags of a license are included within the comment field of the multimedia data format language (column 4, lines 13-25).

**Regarding claim 11, 12, 14 and 36-38**

Unger furthermore teaches, wherein the data are expressed by a markup language; wherein the replaced data portions are included within a comment field of the markup language; and wherein the replaced data portions conform to the syntax of the markup language (column 32, lines 46-55).

**Regarding claim 13**

Xu furthermore teaches, including tags in the data to identify the license ID being used in the encryption in step (c), wherein the identifying tags of a license are included within the comment field of the markup language (column 4, lines 13-25).

**Regarding claim 15**

Xu furthermore teaches, including tags in the data to identify the license ID being used in the encryption in step (c) (column 4, lines 13-25).



**Regarding claim 16 and 17**

Xu furthermore teaches, storing the license data and cryptographic information in a token; wherein the protection further includes access control rights, and step (f) further comprises storing the access control rights in the token (column 5, lines 24-30).

**Regarding claim 18 and 19**

Xu furthermore teaches, wherein the license further includes a time constraint; and wherein the license further includes a number constraint (column 3, lines 3-16).

**Regarding claim 20-22**

Unger furthermore teaches, wherein in step (a), at least a portion of the data is not selected for encryption so that after step (c) is completed, the data includes a combination of selected encrypted portions and unselected unencrypted portions; creating a rendition of the combination of the encrypted portions and the unencrypted portions; and wherein the portions of data to be selected in step (a) are manually selected by a user (column 6, lines 30-39).

**Regarding claim 23**

Unger furthermore teaches, wherein the originally unencrypted data is presented on a user interface display, and the portions of data to be selected in

step (a) are selected by highlighting the portions of data on the user interface display (column 6, lines 40-48).

**Regarding claim 24**

Xu furthermore teaches wherein the process is repeated with another license, giving a plurality of different encrypted data portions column 2, lines 35-45).

**Regarding claim 25, 26 and 47**

Xu furthermore teaches, wherein the encrypted data is integrity protected by the use of an encrypted message digest; and wherein the license is a password-based encryption key (column 2, lines 22-36).

**Regarding claim 28 and 29**

Unger furthermore teaches wherein step (c) further comprises: (iii) presenting the decrypted version of the data portions to a display screen; wherein the original block of data includes one or more unencrypted portions interspersed within the decrypted portion, and step (c)(iii) further comprises presenting the unencrypted portions and the decrypted portion to the display screen in a single, unified unencrypted manner (column 6, lines 43-46).

**Regarding claim 30, 31 and 46**

Xu furthermore teaches, wherein there are a plurality of different encrypted data portions, each having a unique license, and steps (a)-(c) are repeated for each of the different data portions, and step (c)(iii) further comprises presenting the unencrypted portions and the decrypted portions to the display screen in a single, unified unencrypted manner; wherein if the user is determined not to hold a valid license to receive a decrypted version of the encrypted data portion, then step (c)(iii) further comprises presenting only the unencrypted data portions to the display screen in a rendition of the data (column 5, lines 3-38).

**Regarding claim 43-45**

Xu furthermore teaches, wherein the license data stored in the license data memory and the encrypted data include access control rights, and step (c) further comprises determining if the appropriate access control rights exist to receive a decrypted version of the encrypted data portion; wherein the license data stored in the license data memory includes a time constraint, and step (c) further comprises determining if the time constraint is legal within the current time to receive a decrypted version of the encrypted data portion and wherein the license data stored in the license data memory includes a number constraint, and step (c) further comprises determining if the number constraint is legal to receive a decrypted version of the encrypted data portion; and if so (i) decrypt the data portion; and (ii) decrease the number constraint(column 5, lines 3-38).

**Regarding claim 48**

Xu furthermore teaches, wherein the license data memory resides in a token, and step (b) further comprises accessing the license data and cryptographic information from the token (column 5, lines 24-30).

**Conclusion**

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ali Abyaneh whose telephone number is (571) 272-7961. The examiner can normally be reached on Monday-Friday from (8:00-5:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on **(571) 272-3865**. The fax phone numbers for the organization where this application or proceeding is assigned as (571) 273-8300 Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/A. S. A./  
Examiner, Art Unit 2137  
09-05-2008

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/Emmanuel L. Moise/  
Supervisory Patent Examiner, Art Unit 2137